



1 misrepresentation, or other misconduct of an adverse party; (4) the  
2 judgment is void; (5) the judgment has been satisfied, released, or  
3 discharged, or a prior judgment upon which it is based has been reversed  
or otherwise vacated, or it is no longer equitable that the judgment should  
4 have prospective application; or (6) any other reason justifying relief from  
the operation of the judgment.

5 Motions to reconsider are generally left to the discretion of the trial court. *See Combs v. Nick Garin*  
6 *Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider, a party  
7 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior  
8 decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986),  
9 *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9<sup>th</sup> Cir. 1987). Rule 59(e) of the Federal  
10 Rules of Civil Procedure provides that any "motion to alter or amend a judgment shall be filed no later  
11 than 28 days after entry of the judgment." Furthermore, a motion under Fed. R. Civ. P. 59(e) "should  
12 not be granted, absent highly unusual circumstances, unless the district court is presented with newly  
13 discovered evidence, committed clear error, or if there is an intervening change in the controlling law."  
14 *Herbst v. Cook*, 260 F.3d 1039, 1044 (9<sup>th</sup> Cir. 2001), *quoting McDowell v. Calderon*, 197 F.3d 1253,  
15 1255 (9<sup>th</sup> Cir. 1999).

16 In the order of October 5, 2011, the court denied petitioner's third motion for appointment  
17 of counsel because the petition appears sufficiently clear in presenting the issues petitioner wishes to  
18 raise (ECF #16). Petitioner has failed to make an adequate showing under either Rule 60(b) or 59(e) that  
19 this court's order denying his motion with prejudice should be reversed.

20 The court turns next to petitioner's motion for appointment of counsel/request to submit  
21 complaint in Spanish (ECF #20) and motion for appointment of counsel/request for evidentiary hearing  
22 (ECF #21). As the court previously indicated that it would not consider further motions for counsel,  
23 both motions are denied. The court notes that petitioner alleges that the inmate who previously assisted  
24 him with English is no longer able to do so. However, petitioner does not allege that no other inmates  
25 are able to assist him; moreover, his filings with this court are all comprehensible and articulate his  
26 claims. He has presented no basis for appointment of counsel in this case. Petitioner is reminded that

1 the court will entertain no further motions for appointment of counsel in this action.

2 **IT IS THEREFORE ORDERED** that plaintiff's motion for district judge to reconsider  
3 Order (ECF #19) is **DENIED**.

4 **IT IS FURTHER ORDERED** that plaintiff's motion for appointment of counsel (ECF  
5 #20) and motion for appointment of counsel/request for evidentiary hearing (ECF #21) are both  
6 **DENIED**.

7 Dated this 15<sup>th</sup> day of November, 2011.

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11 UNITED STATES DISTRICT JUDGE